



## **SAFE USE OF IMAGES AT THE BROOK SPECIAL PRIMARY SCHOOL: GUIDELINES**

**September 2021**

(Review Autumn 2022)

### **Introduction**

These guidelines have been produced in order to safeguard the pupils at The Brook School as far as we can within the procedures regarding the safe photography and video/DVD recording of school activities. The word photography in this policy is used to include traditional photographs and digital images of any kind, still and moving. For many years photography has contributed both profoundly and superficially to our culture. It plays a significant role in commerce, entertainment and communication; it is commonplace in our homes and it is an important element of school life.

At The Brook Special School we feel it is vital that achievements are recognised and that pupils feel valued, proud and happy. Photography is a useful tool within school and it is employed routinely in many ways, for example record keeping, displays, teachers' lessons and the children's own work. On occasions photography is also used for the press and other promotional purposes, including the school's website and social media sites (Twitter, Facebook, etc.). We are, however, sensitive to the wishes and rights of parents who may want to be specific about what their children's photographs/videos are used for.

Increasingly, technology is making it easier for pictures and images to be used inappropriately as printed material or on the web. The Data Protection Act and Human Rights Act set out the rights and responsibilities in respect of keeping personal data (including photographs and images) on individuals. The principles of the Act are set out in Appendix 1 but, in summary, everyone has the right to know that information is held on them and the reason for holding that data. They also have the right to refuse permission for that data to be published. The term 'data' includes photographic images. The Act is unlikely to apply in many cases where photographs are taken in schools and other educational institutions and fear of breaching the provisions of the act should not be wrongly used to stop people taking photographs or DVD's/videos which provide many with much pleasure and are an integral part of recording the progress and activities of our pupils at The Brook.

This policy has been written with reference to the ICO Good Practice Note 'Taking Photographs in Schools, DFE Guidance taken from The Key website.

### **Definitions**

**"Personal use"** of photography and videos is defined as the use of cameras to take images and recordings of children by relatives, friends or known individuals, e.g. a parent taking a group photo of their child and their friends at a school event. These photos and videos are only for personal use by the individual taking the photo, and are not intended to be passed

on to unknown sources. The principles of the GDPR do not apply to images and videos taken for personal use.

**“Official school use”** is defined as photography and videos which are used for school purposes, e.g. for building passes. These images are likely to be stored electronically alongside other personal data. The principles of the GDPR apply to images and videos taken for official school use.

**“Media use”** is defined as photography and videos which are intended for a wide audience, e.g. photographs of children taken for a local newspaper. The principles of the GDPR apply to images and videos taken for media use.

Staff may also take photos and videos of pupils for “educational purposes”. These are not intended for official school use, but may be used for a variety of reasons, such as school displays, special events, assessment and workbooks. The principles of the GDPR apply to images and videos taken for educational purposes.

## **General**

The term ‘images’ includes photographs – both digital and film – and video/DVDs. We, as a school, must gain permission to feature or distribute the image of any recognisable individual through publications; exhibition and display boards; the web site and video and film work.

For The Brook the use of images includes:

- Photographic record keeping
- Academic progress moderation and assessment photographs
- Displays of activities within school
- Displays of activities outside school such as sporting events, educational visits and journeys,
- creative events such as those through Creative Partnerships or other organisations.
- School Brochure and other school documentation
- Film and DVD work of school activities including those within the curriculum

Any or all of these may be used outside the school as publicity materials or teaching aids. Visitors to the school may also have access to the displays around the school, which may include photographs of the students. However, we only ever include first names of the children or no names at all accompanying the photographs. We also, where possible, use general shots of classrooms or group activities, often taken from behind the children.

The school does not include any photographs of pupils or staff on our website without permission, although groups of staff or students who cannot easily be identified may be used. Students’ work is displayed on the website as an alternative to photographic images.

## **Taking Photographs and Video**

We do not seek consent from parents/carers for school-related photography of pupils as we consider this part of normal school life – and important for assessment. Photography will not be taken of any child when they are vulnerable – upset, hurt or in a state of undress. Photography will be taken using school-owned devices only.

We do ask parents to give consent for children's photographs/videos to be used in publicity material (school documents, website, media coverage and social media sites).

A register is kept of children who must not be included in intended for publicity material. As well as a master register of all children, each class teacher will have access to an up-to-date information sheet for children in the class and what permissions/consents have been given by parents. This information will always be available to teachers – in school and on educational visits – so that photography of children who do not have consent for publicity will not be shared or used, other than for assessment/record keeping.

All reasonable measures will be taken to ensure that children are not photographed or videoed by a visitor to school or while on an educational visit outside school, unless they have the publicity consent.

The exception to this may be photography taken by parents at school events such as concerts, sports and performances; in which case a member of staff will make very clear to those taking photography that images are for personal use only – not to be shared electronically. Parents are always advised of a visit from a commercial photographer and invited to participate.

### **Use and Storage of Photographs and Video:**

Class photographs are held for reference in the office and archived after use. Individual photographs are taken for use on the school's Management Information System (MIS). This is for school use for registration (attendance and lunchtimes) and safeguarding and health and safety purposes.

Photographs taken as records of events or for educational purposes may be displayed around the school. They are then archived after use. As with children's files, archived photographs will be held until the subjects of the photographs attain twenty one (the "age of majority" plus three years in which to bring any legal action).

Photographs shall not be used for private use by any employee or volunteer. Where it is legally required or necessary (and it complies with data protection law) we may share relevant information.

Again, increasingly, technology is making it easier for images to be misused and the school therefore will take steps to ensure that images of children taken by parents and carers and by members of the media, are done so in a way that is in accordance with the protective ethos of the school. We hope never to have to take away the joy of parents/carers in photographing their children at school events. However, we will ask any parent who wishes to do so to sign a form (Appendix 3 ) to say that their images will not be used inappropriately and not to take mobile phone photographs and video in the school as images can so easily end up on the web.

### **Website/social media**

Photographs of children are used minimally and anonymously on our website. Parents reserve the right to have any photograph of their child removed.

Photography may be used on the school's Twitter and Facebook pages. Only images of children who have parental consent will be used.

Names of pupils will not be used in this context. Please also see the school's social media policy

## **Child Protection and Safeguarding**

This is a separate consideration and does not come under the Data Protection Act. When taking any pictures of students, the school ensures that the resulting images cannot be construed as provocative in any way and students are always fully dressed or in PE kit for any photographs.

We realise that parents and carers are concerned at the potential misuse of photographs particularly for our very vulnerable students, when accompanied by the child's full name. The attached consent forms seek permission for the use of images and names by the school and separate permission for the school to allow images and names of their child/children to be given to the media. If a parent/carer does not consent to the full name being used then first names only are to be used by the school.

## **APPENDIX 1**

### **Data protection Principles**

**Personal data, including images, shall:**

1. be processed fairly and lawfully
2. be obtained only for one or more specified and lawful purposes
3. be adequate, relevant and not excessive in relation to the purpose for which they are processed
4. be accurate and, where necessary, kept up to date
5. be kept for no longer than is necessary for that purpose
6. be processed in accordance with the rights of data subjects under this Act
7. be held with the appropriate technical and organisational measures in place against unauthorised

or unlawful processing, accidental loss or destruction of, or damage to, personal data.

8. not be transferred to a country or territory outside the European Economic Area unless that

country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation the processing of personal data.

## **APPENDIX 2**

### **GENERAL CONSENT FORM**

Dear Parent/Carer,

During the school year, we like to be able to take and use photographic images of the children taking part in various school activities and for the purposes of recording progress and achievement. These might include creative projects, curriculum activities, sports days, educational visits and journeys, musical and cultural events, photographic record keeping. Group and class photographs may also be taken. Many of the photographs will be used for displays around the school or for the purposes of publicising or promoting school activities eg in the School Brochure.

Before any photographs/images can be published, your consent must be obtained. By signing the form with this letter, you are giving your permission for the school to use images or photographs in the above ways and with the safeguards set out below.

To minimise administrative work and your time we ask for consent to last for the entire period that your child attends The Brook.

#### **YOU MAY WITHDRAW YOUR CONSENT AT ANY TIME IN WRITING TO THE SCHOOL**

The school has adopted certain safeguards in order to minimise any risk to your child:

- we will avoid the publication of your child's full name with any image on any of our school material/displays
- only appropriate images are ever taken eg the children will be fully dressed or in PE tracksuits etc.
- images will be kept securely and destroyed or sent home/on to future provision when the child leaves the school
- any external photographer will be CRB checked
- appropriate levels of supervision of any external photography or filming/video work will be undertaken at all times

The school is however only responsible for photographs taken by the school or their authorised agents and cannot be responsible for photographs taken by third parties eg parents/carers. The media are not subject to the Data Protection Act or these guidelines and the school cannot prohibit the media from taking pictures or using the names of any child.



## APPENDIX 3

### THE BROOK SPECIAL PRIMARY SCHOOL USING IMAGES OF CHILDREN CONSENT FORM

**Child's Name:**

**I consent to my child's photographs to be used for recording/assessment purposes at The Brook YES/NO**

**I consent to my child's photograph being used for display purposes around the school YES/NO**

**I consent to my child's photograph being used in the school brochure and other printed materials which we may produce for promotional purposes YES/NO**

**I consent to my child's photograph being used by the Local Authority for promotional purposes eg schools documentation YES/NO**

**I consent to my child's image on curriculum/activity DVDs or Videos I consent to my child's image to be placed on the school website YES/NO**

**I consent to my child being photographed for the media eg if a newspaper photographer/television film crew attend an event or wish to make a documentary on the work of the school YES/No**

**(PLEASE CIRCLE YES OR NO FOR EACH SECTION)**

**I have read and understood the conditions of use on the back of this form – the Brook Primary School**

**Name of child's parent/carer.....**

**Name of Child.....**

#### **CONDITIONS OF USE**

- this form is valid for the period of time your child attends the school. The consent will automatically expire after this time. Please contact the school at any time if you wish to amend your consent form or withdrawn your consent
- we will not re-use any photographs or recordings after your child leaves this school
- we will not use the personal details or full names or any child or adult in photographic image on video, DVD, displays, in the school brochure or any other publications
- if we use photographs of individual pupils, we will not use the name of that child in the accompanying text or photo caption
- if we name a pupil in the text, we will not use a photograph of that child to accompany an article
- we may use group or class photographs or footage with very general labels, such as "a literacy session"
- we will only use images of pupils who are suitably dressed, to reduce the risk of such images being used inappropriately

## APPENDIX 4

### REQUEST FOR PARENTS/CARERS WISHING TO TAKE THEIR OWN PHOTOS/VIDEOS/DVDS

I agree to ensure that all images I take will be for my personal use, will be kept securely and be used appropriately.

I agree not to distract or obscure the view of others whilst taking images.

Signed.....

Relationship to the child.....

Date.....

**Thank you for your cooperation. The safe use of images can be a source of pleasure and pride and a valuable record of the achievements of your child.**



## APPENDIX 5

### “Using Your ‘Phone, Camera or Video Courteously”

a guide for parents at school events

Generally photographs and videos for school and family use are a source of innocent pleasure and pride, enhancing self-esteem for children and their families. Please follow these simple guidelines to be sure that all our children are safe and we act with regard to the law:

- Remember that all adults, including parents and carers, attend school events at the invitation of the Head teacher and the Governors
- The Head teacher and the Governors have the legal responsibility to
  - decide if photos and videos of school performances are permitted
  - decide the conditions that will apply to the specific event in order that children are kept safe (*eg where pupils stand, suitable clothing, activities*)
  - - decide the conditions that will apply to the specific event in order that the performance/ event is not disrupted (*eg timing or position of photographer*)
- Parents can only use images taken at school events for personal use. Images must NOT be:
  - Sold
  - Uploaded onto the internet (including Facebook or similar sites, even if you have the highest security)

as this contravenes Data Protection legislation

- Parents must follow guidance from staff as to when and where images are captured; disruption to the performers is not permitted.
- Cameras and phones must be on ‘silent’ during performances, phone calls are totally prohibited.
- Staff reserve the right to challenge people who they do not recognise as part of the school community; please introduce anyone who accompanies you to a performance and explain these guidelines to them in advance.

Thank you for your co-operation.